



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TRG  
Docket No: 117-00  
20 July 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 July 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 17 June 1969 at age 18. The record shows that you then served without incident for about 11 months. On 7 May 1970 you began the first of a series of unauthorized absences. A special court-martial convened on 22 October 1970 and convicted you of three periods of unauthorized absence totaling about 64 days, breaking restriction, and missing ship's movement. The court sentenced you to reduction to pay grade E-1, forfeitures of \$85 pay per month for three months, confinement at hard labor for three months and a bad conduct discharge. The bad conduct discharge was issued on 11 May 1971.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and contention, in effect, that the stress of military service aggravated your mental illness and led to your periods of unauthorized absence. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge, given your repeated and lengthy periods of unauthorized absence. There is no evidence in the record, and

you have submitted none, showing that you were not responsible for your actions or were incompetent to stand trial for your offenses in 1970. The Board concluded that the discharge was proper as issued and no change is warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director